

than five years, or both, and any person who, in the willful and knowing violation of this Act or any regulation issued hereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the provisions of this Act or the regulations issued hereunder, shall, in lieu of the penalties prescribed in this paragraph be fined not more than \$100,000 or imprisoned for not more than ten years, or both.

(b) For the purpose of paragraph (a) of this section, a “person” is deemed to be anyone who

(1) Handles any vessel contrary to the provisions of these regulations or of any rules or directions of the Corporation, or an officer thereof, given under the regulations;

(2) Is a party to any act described in paragraph (b)(1) of this section; or

(3) Is the owner, charterer or master of any vessel by means of which any act described in paragraph (b)(1) of this section is committed.

[39 FR 12746, Apr. 8, 1974, as amended at 47 FR 20582, May 23, 1982]

#### § 401.102 Civil penalty.

(a) A person, as described in § 401.101(b), who violates a regulation is liable to a civil penalty of not more than \$36,625.

(b) In assessing or collecting any civil penalty incurred under paragraph (a) of this section, the Corporation may, in its discretion, remit, mitigate or compromise any penalty.

(c) Upon failure to collect a penalty levied under this section, the Corporation may request the United States Attorney General to commence any action for collection in any district court of the United States. A vessel by means of which a violation of a regulation is committed shall be liable in rem and may be proceeded against accordingly.

[39 FR 12746, Apr. 8, 1974, as amended at 47 FR 20582, May 23, 1982; 61 FR 54734, Oct. 22, 1996; 67 FR 67113, Nov. 4, 2002; 71 FR 66113, Nov. 13, 2006]

### Subpart C—Assessment, Mitigation or Remission of Penalties

AUTHORITY: Sec. 106, Pub. L. 92-340, 86 Stat. 424, unless otherwise noted.

SOURCE: 39 FR 18443, May 28, 1974, unless otherwise noted.

#### § 401.201 Delegation of authority.

(a) The Secretary of Transportation, by 49 CFR 1.52 (a) has delegated to the Administrator of the Saint Lawrence Seaway Development Corporation the authority vested in the Secretary under sections 4, 5, 6, 7, 8, 12 and 13 of Sec. 2 of the Port and Tanker Safety Act of 1978, Pub. L. 95-474 (92 Stat. 1471), as it pertains to the operation of the Saint Lawrence Seaway.

(b) The Administrator hereby authorizes the Corporation's Associate Administrator to administer this statute in accordance with the procedures set forth in this subpart.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended; sec. 104, Pub. L. 92-340, 86 Stat. 424 and secs. 12 and 13 at sec. 2 of Pub. L. 95-474, 92 Stat. 1471, and 49 CFR 1.52)

[50 FR 10963, Mar. 19, 1985, as amended at 51 FR 4340, Feb. 4, 1986]

#### § 401.202 Statute providing for assessment, mitigation or remission of civil penalties.

Section 13 of sec. 2 of the Port and Tanker Safety Act of 1978 authorizes the assessment and collection of a civil penalty of not more than \$25,000 from anyone who violates a regulation issued under that section.

(68 Stat. 93-96, 33 U.S.C. 981-990, as amended; and secs. 12 and 13 of sec. 2 of Pub. L. 95-474, 92 Stat. 1471)

[47 FR 20582, May 13, 1982]

#### § 401.203 Reports of violations of Seaway regulations and instituting and conducting civil penalty proceedings.

(a) Violations of Seaway Regulations, Subpart A of this part, will be brought to the attention of the alleged violator at the time of detection whenever possible. When appropriate, there will be a written notification of the fact of the violation. This notification will set